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The Nebraska Minority Justice Committee Progress Report 2008

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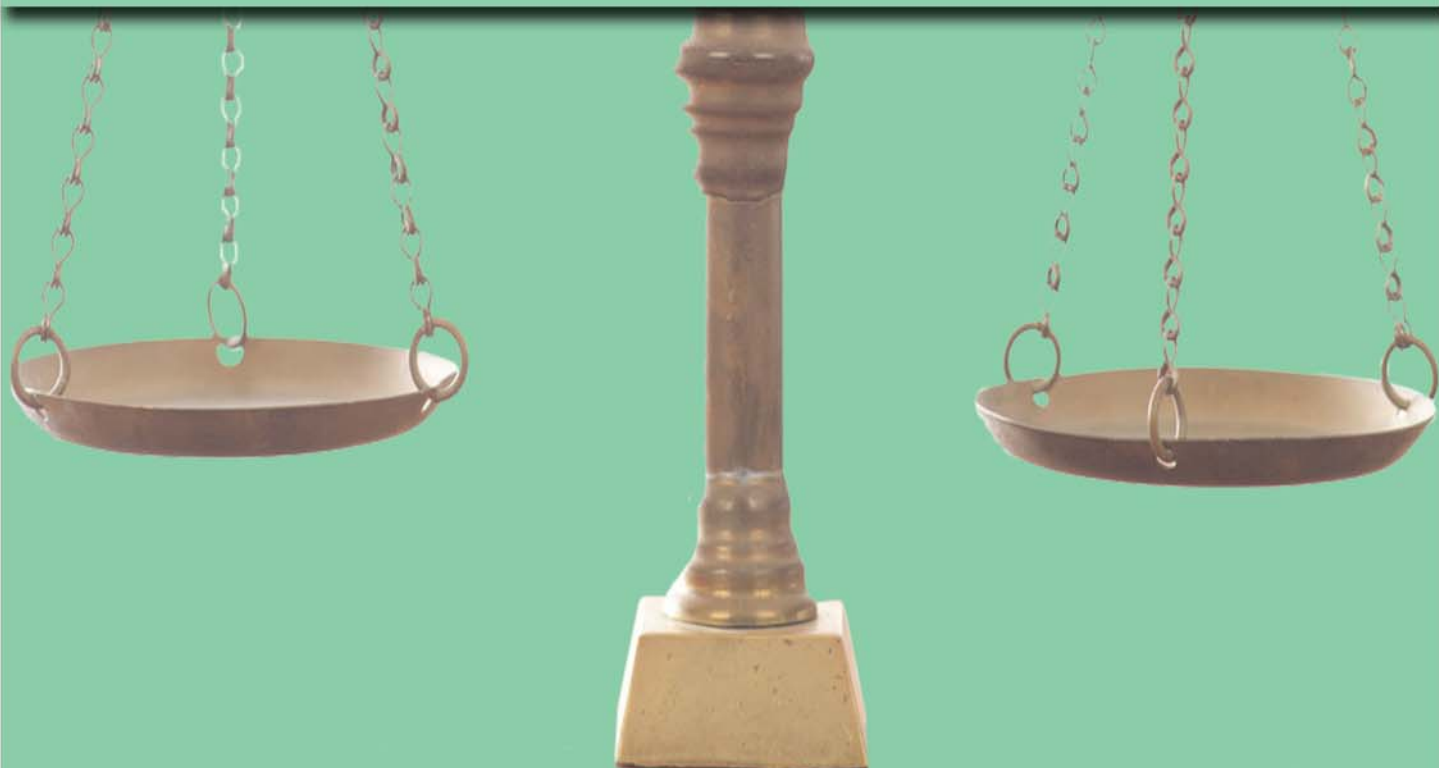
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THE NEBRASKA MINORITY JUSTICE COMMITTEE

PROGRESS REPORT 2008

— *EQUAL JUSTICE BEFORE THE COURTS* —



History and Mission



Chairs and staff of the MJC: *From left to right:* Jane Schoenike, Executive Director of the Nebraska State Bar Association; Hon. John Gerrard, Nebraska Supreme Court and Co-Chair of the MJC; Linda Crump, Office of Equity Access and Diversity UNL and Co-Chair of the MJC; Liz Neeley, PhD, Project Director of the MJC; and Judy Beutler, Nebraska Administrative Office of the Courts.

The Nebraska Minority Justice Committee (MJC) is a unique statewide collaboration that works to develop and implement just and sustainable policy reforms that will not only improve the system of justice but will also strengthen public trust and confidence in our laws and court system. The Committee is a joint effort of the Nebraska State Bar Association and the Nebraska Supreme Court, appointed by the Supreme Court in May of 2003 in response to a Task Force's two-year investigation into whether racial and ethnic bias and discrimination exists in Nebraska's justice system.

The mission of the Committee is to achieve three primary aims:

- address racial disparities in both the juvenile and adult justice systems
- ensure equal access to justice
- increase the diversity of Nebraska's judicial workforces and legal profession

The Committee is pleased to share these brief descriptions of the progress it made in 2008.

Access to Justice

Translation Grant

The MJC received a grant for \$25,000 from Woods Charitable Fund to have all appropriate civil and pro se court forms translated into a bilingual format (for the most commonly requested languages: Spanish, Vietnamese and Arabic). The objective of this initiative is to improve the justice system's capacity to serve limited and non-English speakers in civil and pro se matters. Bilingual forms are available on the Nebraska Judicial Branch website: <http://www.supremecourt.ne.gov/>

Research on Representative Juries

The MJC is undertaking a study of the juror compilation process to determine to what extent racial and ethnic minorities may systematically be excluded. Over 90,000 juror qualification forms have been received and analyzed. The study includes an analysis of each stage of the jury compilation process, from the compilation of the initial pool to the final impaneled jury and a process evaluation to determine variations in local practices. Results of this examination will be used to explain why the composition of our jury pools may or may not be reflective of the diversity of our counties and to formulate any recommendations necessary to rectify systemic bias.

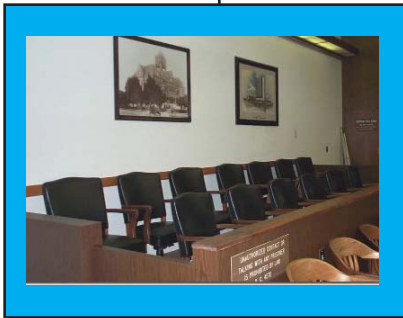
Seminar on Increasing Cultural Understanding

In 2008, the MJC sponsored an educational seminar for justice system practitioners at the Nebraska State Bar Association's Annual Meeting. The seminar, conducted by Dr. Mary Willis, an anthropologist at the University of Nebraska-Lincoln, provided insight into: the Sudanese culture, the resettlement of Sudanese refugees to Nebraska; and the legal issues faced by the Sudanese population.

Criminal and Juvenile Justice

Failure to Appear Project

The MJC received a \$200,000 grant from the National Institute of Justice to pilot a policy designed to reduce failures to appear for misdemeanor defendants. Failure to appear for court causes increased work loads for court staff, issuance of misdemeanor arrest warrants, incarceration on minor offenses for the non-compliant defendant, and longer detention stays for those defendants in connection with the present offense or future offenses. Because preliminary data indicate that non-whites fail to appear at higher rates, the MJC is hopeful that the policy will reduce disproportionate confinement of minorities in Nebraska jails. The policy will be piloted in seven Nebraska counties and will begin in January of 2009.



Improvement of Race/Ethnicity Data Collection

In conjunction with the Nebraska State Patrol and the Department of Motor Vehicles, the MJC helped to develop legislation (LB 911) that will over time improve the justice system's capacity to examine racial and ethnic disparities by providing the justice system with defendant information transferred electronically via the bar code.

Racial Impact Statements & Collateral Consequences

The MJC is exploring the utility of two initiatives currently being promoted nationally. In an attempt to address disproportionate minority confinement, the first initiative would require information on the predicted impact of minority populations to be considered by the legislature when considering new criminal laws or enhancements to sanctions. The second proposal attempts to address the many collateral consequences of conviction by developing a process which notifies defendants of the collateral consequences of a conviction.

Translation Grant

The MJC received a grant for \$15,000 from the Nebraska Crime Commission to have all appropriate juvenile court and juvenile probation forms translated into a bilingual format (for the most commonly requested languages: Spanish, Vietnamese and Arabic). The objective of this initiative is to improve the justice system's capacity to serve limited- and non-English speakers. Bilingual forms will be available in 2009.

Diversity in the Legal Profession and Court System

LSAT Prep Scholarship Program

In an effort to expand the pipeline for a diverse legal profession, the MJC established a LSAT Prep Scholarship Program. The program provides a scholarship for a Kaplan LSAT Prep Course and covers the costs of registering for the LSAT exam. To be eligible for a LSAT Prep Scholarship, applicants must reside in Nebraska, demonstrate economic need, and be a racial/ethnic minority. Six LSAT Preps scholarships were awarded in 2008. To donate to the LSAT Prep Scholarship Fund or to apply for a scholarship visit: <http://www.nelegaldiversity.org> for more information.



Call to Action Initiative

In an effort to promote diversity in Nebraska's legal profession, the MJC coordinated a Call to Action Initiative. Modeled after successful initiatives in other cities, the Call to Action Initiative encourages law firms and corporations to sign on to a basic statement of diversity principles and agree to participate in Nebraska State Bar Association programs in pursuit of these principles. In essence, the Call to Action Initiative creates a network of firms and corporations that can work collaboratively and innovatively to promote diversity in the legal profession. To date, 57 firms and organizations have signed on to the initiative. The Initiative has assisted with awarding 6 LSAT Prep Scholarships, coordinated several youth outreach initiatives, provided input into the development of the 4th Annual Legal Diversity Summit, and is helping to establish a Nebraska Minority Corporate Counsel Program.



Fourth Annual Legal Diversity Summit

The MJC hosted its fourth annual Legal Diversity Summit on September 5th in Omaha. The Summit featured W.H. Knight, former dean of the University of Washington School of Law, who discussed the threat that anti-affirmative action bans pose to a diverse legal profession. The Summit provided law students of color from the region with new knowledge, contacts and interview opportunities. The Summit also provided Nebraska's legal employers with new ways of understanding the value of a diverse workforce and strategies for recruiting and retaining attorneys of color.

EEO Policies

During the original Minority Justice Task Force examination, we learned that the majority of district courts either: 1) did not have an EEO policy in place; or 2) they were unaware if they had an EEO policy in place. The MJC contacted each county, describing the protection that EEO policies afford and offering assistance for counties interested in developing or improving upon their existing EEO policy. The MJC, in partnership with the Nebraska Equal Opportunity Commission, then established a model EEO policy which was disseminated statewide.

Upcoming Priorities

The Minority Justice Committee's future priorities include:

- Establishing a Minority Corporate Counsel Program
- Designing a study to examine disparities in bail bond.
- Establishing mock trial programs in high schools with significant minority populations.
- Continuing research on representative juries.

Raising Awareness

The Committee hopes that continual media coverage and community outreach will bring broad public exposure to these important issues. Members of the MJC have met with and made presentations to numerous groups in 2008 and has also reached out to the community through the media via radio interviews, newspaper articles, and magazines and journals for a complete list of publications visit: www.nebar.com/publicinfo/minority_justice.htm



Feedback and Questions

For more information on the Nebraska Minority Justice Committee visit www.nebar.com/publicinfo/minority_justice.htm or call (402) 475-7091. The MJC is at the beginning stages of a long-term effort. While it may take years to fully implement many of the recommendations, the Committee is developing long-term plans to promote change. Interest in the Minority Justice Committee's mission and activities is appreciated and encouraged.



W.H. Knight addresses participants of the Legal Diversity Summit.



Regional law students interview with Nebraska legal employers at the 2008 Legal Diversity Summit.



Volunteers representing the courts, the legal profession, probation, law schools and law enforcement talk with youth at the Clyde Malone Community Center about careers in the justice system.



MJC Co-Chair, Linda Crump congratulates three of the 2008 LSAT Prep Scholarship Recipients.

Members of the Minority Justice Committee

Co-Chairs:

Linda Crump, Equity, Access & Diversity Programs UNL

Hon. John Gerrard, Nebraska Supreme Court

Committee:

Daphne Aronson, Kutak Rock

Hon. Edna Atkins, Douglas County Court

Valorie Bendixen, Clerk of the District
Court for Hall County

Judy Beutler, Administrative Office
of the Courts

Riko Bishop, Attorney at Law

Ellen Fabian Brokofsky, State Probation
Administrator

Dean Eric Chiappinelli, Creighton
University School of Law

Hon. Vernon Daniels, Separate Juvenile
Court Douglas County

Judi gaiashkibos, Nebraska Commission
on Indian Affairs

Becky Gould, Nebraska Appleseed

John Grant, Attorney at Law

Anne Hobbs, Nebraska Equal Opportunity
Commission

Cecilia Huerta, Nebraska Mexican
American Commission

Hon. John Irwin, Nebraska Court
of Appeals

Dennis Keefe, Lancaster County Public
Defender

Don Kleine, Douglas County Attorney

Kate Mahern, Milton Abrahams
Legal Clinic

Monica Miles-Steffens,
Judicial Branch Education

Andrea Miller, Attorney at Law

Carlos Monzón, Attorney at Law

Liz Neeley, University of Nebraska Public
Policy Center

Hon. Marlon Polk, Douglas County
District Court

Jim Rembolt, Attorney at Law

Kimberley Taylor Riley, Nebraska
Attorney General's Office

Tom Riley, Douglas County
Public Defender

Harold Rock, Attorney at Law

Mohammed Sadden, Attorney at Law

David Sankey, Nebraska State Patrol

Susan Sapp, Attorney at Law

Jane Schoenike, Nebraska State
Bar Association

Anna Williams Shavers, University of
Nebraska College of Law

Shawntal Smith, Attorney at Law

José Soto, Southeast Community College

Hon. Robert Steinke, Platte County
District Court

David Stickman, Federal Public Defender

Alan Tomkins, NU Public Policy Center

Hon. Ken Vampola, Dodge County Court

Terry Waite, Attorney at Law

Janice Walker, State Court Administrator

Thomas Warren, Omaha Police
Department

Linda Willard, Nebraska Attorney
Generals Office

Dean Steven Willborn, University of
Nebraska College of Law

Sherman Willis, Attorney at Law

Mark Young, Hall County Attorney

— Equal Justice Before the Courts —

Support the Nebraska Minority Justice Committee

The Nebraska Minority Justice Committee is supported in part by the Nebraska Lawyers Foundation. For more information about the Foundation, visit: www.nebar.com/nsbainfo/otherorgs/cfi/events.htm

The Nebraska Lawyers Foundation
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Lincoln, NE 68501-1809



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State Bar Association